



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/649,215	08/28/2000	Allan Lamkin	68570	7416

22242 7590 09/28/2006

FITCH EVEN TABIN AND FLANNERY
120 SOUTH LA SALLE STREET
SUITE 1600
CHICAGO, IL 60603-3406

EXAMINER

VU, TUAN A

ART UNIT	PAPER NUMBER
2193	

DATE MAILED: 09/28/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/649,215	LAMKIN ET AL.	
	Examiner	Art Unit	
	Tuan A. Vu	2193	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 June 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-12 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|--|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input checked="" type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. <u>9/20/06</u> |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>8/8/06</u> | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This action is responsive to Applicant's reply submitted and filed 6/28/2006.

According to which, claims 1, 8-10 have been amended and claims 11-12 added. Claims 1-12 have been submitted for examination.

Specification

2. The disclosure is objected to because of the following informalities: The related Application referred to in the Specifications (pg. 2, top para) as 'Software Engine for Combining Video and Audio Content with Programmatic Content' should be updated to show that this application is presently ABANDONED.

Appropriate correction is required.

Claim Objections

3. Claim 9 is objected to because of the following informalities: the language construction via the reciting of 'code to parse ... source file searching for a variable, replacing the variable ..., and generating ... content in response to the searching' (2nd paragraph of claim) does not put forth the semantic and/or time relationship between the limitation of 'to parse' and the rest of the other 3 (underlined) actions, which from the disclosure is rather described as a scenario wherein the parsing has to happen prior to the other actions; that is, the generating of content being subsequent first, to the parsing then to the variable replacement resulting therefrom. Appropriate correction is required.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

Art Unit: 2193

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1-12 are rejected under 35 U.S.C. 102(b) as being anticipated by Tahara et al.,
USPN: 5,909,551 (hereinafter Tahara)..

As per claim 1, Tahara discloses a method for combining video/audio content with programmatic content, comprising:

generating a authoring output (e.g. Fig. 12, 13, 25, 26), a representation of the video/audio content, the representation defining how the video/audio content is to be displayed (e.g. elements 2301, 2305, 2306, 2307 – Fig. 23; *display means* 507, 1006 - Fig. 10); the authoring output comprising definition of a variable (e.g. Fig. 27-28 – Note: IMG SRC=, A HREF= tags read on variable being defined; Fig. 12, 13, 25, 26 – Note: underlying www file or page from authoring GUI via selection of a button reads on output comprising a tagged variable having a definition)

replacing the variable with the definition for the variable (e.g. Fig. 27a, 27b; col. 17, lines 44-46; col. 17, line 41-52 to col. 18, line 8 – Note: variable enclosed and defined within markup tags and being replaced by corresponding html page/file or image data reads on replacing variable < ... /> with its definition being enclosed);

generating programmatic content (HTML 2306; PC 2307 – Fig. 23);

selecting a source file and searching an instance of the source file (see Fig. 27a, 27b; col. 16, lines 39-47 ; col. 17, line 34 to col. 18, line 3 – Note: scanning through the directory of WWW data of the hypertext content stored – see col. 16, lines 39-47; *file* -- col. 17, lines 23-30-- will read on search for an instance of a source file containing a variable – see <A HREF =

Art Unit: 2193

PAGE001.HTM> see Figs. 27 via user selection of a MENU001.DAT, KEY.1GIF leading to a search for a corresponding to PAGE001.HTM)

generating an image (Fig. 24; *image ... medium* - col. 16, lines 1-3) as a function of the programmatic content and representation of the video/audio content and combining the image with the video/audio content (e.g. col. 16, lines 15-55; col. 19 lines 1-57);

Tahara discloses storing source files in a directory structure (Fig. 24) wherein specific browser type of files are evoked from the user choosing of a button (e.g. *INDEX.HTML*, *button 2607* - col. 17, line 34-40, 50-52; i.e. MENU001.GIF or KEY1.GIF being a file); hence via selecting of a iconing representation of a page (a file inside WWW content of Fig. 24), Tahara discloses a source file being retrieved --via search in directory-- wherein a tagged variable is automatically processed and replaced inside the file or page (e.g. col. 17, line 34 to col. 18, line 3; Fig. 24-26; col. 17, line 53 to col. 18, line 8, i.e. tagged variables being replaced inside the same page). Thus, Tahara has disclosed *replacing the variable with the definition for the variable* (Figs. 27 – content defining HREF is being displayed in page – see col. 18, li. 3-8) within that instance of the source file or page, *such that the instance of the source file contains the definition for the variable*(see tag resolution as in col. 18, lines 3-52).

Tahara discloses browser processing based on the user triggering of HTML file in which hyperlinked variables (e.g. col. 17, lines 56-64; Fig. 27) are set for defining external data or other source files (col. 18, lines 23-27, 46-52) which are to be displayed following the interactive selection by the user; and resolving of hyperlinked variables --from that browser in response to that selection --into displayed content to be finally stored or recorded into the different section of

Art Unit: 2193

image medium 2301 (Fig. 23; col. 19 lines 1-57). Thus, Tahara has disclosed generating programmatic content (generating programmatic content (HTML 2306; PC 2307 – Fig. 23) *in response to the searching* based on browser processing of tagged link.

As per claim 2, Tahara discloses storage medium (Fig. 23)

As per claim 3, Tahara discloses transmission medium (Fig. 1, 23 – Note: hardware linking storage medium in computer reads on transmission medium)

As per claims 5 and 6, Tahara discloses searching at runtime (e.g. Fig. 26; *definition ...selection button ... linked to file ... INDEX.HTML, RETURN.GIF* - col. 17, line 53 to col. 18, line 8- Note: parsing HTML tags using a browser methodology reads on runtime browser)

As per claim 7, Tahara discloses executing a DVD being inserted (e.g. Fig. 2, 23)

As per claim 8, Tahara discloses a system for combining video/audio content with programmatic content, comprising means for:

searching an instance of the source file (see Fig. 27a, 27b; col. 16, lines 39-47 ; col. 17, line 34 to col. 18, line 3);

replacing the variable with the definition for the variable (e.g. Fig. 27a, 27b; col. 17, lines 44-46; col. 17, line 53 to col. 18, line 8; col. 18, lines 3-52– Note: variable enclosed and defined within markup tags and being replaced by corresponding html page/file or image data reads on replacing variable < ... /> with its definition being enclosed – see (Figs. 27 in light of rationale as set forth in claim 1); i.e. Tahara discloses searching a instance of source file for the variable prior to replacing the variable with its definition *within the instance of the source file* as this limitation has been addressed as being disclosed in claim 1 above.

generating programmatic content (e.g. *HTML 2306*; *PC 2307* – Fig. 23);
generating an image (Fig. 24; *image ... medium* - col. 16, lines 1-3) as a function of the
programmatic content and representation of the video/audio content, the representation defining
how the video/audio content is to be displayed (e.g. col. 16, lines 15-55; col. 19 lines 1-57); and
combining the image with the video/audio content (e.g. col. 16, lines 15-55; Fig. 23; col.
18, line 53 to col. 19, line 34).

As per claim 9, Tahara discloses a computer program product stored on a computer-
readable medium for use in combining video/audio content with programmatic content,
comprising code to:

parse a source file searching for a variable (Note: a browser page having tagged data
displayed therein – see Fig. 26-27; col. 18, lines 28-52 -- reads on having a parsing capability
and browser parsing inherently encompasses searching for a tag, a token or a variable that needs
www resolution), replacing the variable with the definition for the variable within the source file
(e.g. Fig. 27a, 27b; col. 17, line 53 to col. 18, line 8; col. 18, lines 3-52– Note: variable enclosed
and defined within markup tags and being replaced by corresponding html page/file or image
data reads on replacing variable < ... /> with its definition being enclosed – refer to rationale in
claim 1), and generating a programmatic content in response to the searching (e.g. *HTML 2306*;
PC 2307 – Fig. 23; col. 19 lines 1-57);

to generate an image (Fig. 24; *image ... medium* - col. 16, lines 1-3) as a function of the
programmatic content and representation of the video/audio content, the representation defining
how the video/audio content is to be displayed (e.g. col. 16, lines 15-55; col. 19 lines 1-57); and

to format and combine the image with the video/audio content (e.g. col. 16, lines 15-55; Fig. 23; col. 18, line 53 to col. 19, line 34).

As per claim 10, this claim recites a system stored on a computer readable medium comprising the steps of:

- selecting (source file),
- searching (source file),
- replacing (variable),
- generating (programmatic content);
- generating (image); and

formatting and combining (audio/video) as recited in claim 1, including thus the limitations of claim 1; hence incorporates all the corresponding rejection as set forth therein; including Tahara teaching of code to select a source file and create a copy thereof (Note: instantiation of a www source file ---see Fig. 24, 25, 26 -- or page on a browser, e.g. Fig. 26, MENU001.GIF, KEY1.GIF, PAGE001.HTM reads on making an copy of the original file in the storage media).

As per claims 11-12, Tahara teaches instance of source file being a copy from one such file stored in the content directory (refer to claim 10; see Fig. 2, Fig. 24)

Response to Arguments

6. Applicant's arguments filed 1/17/06 have been fully considered but they are not persuasive. Following are the examiner's observations in regard thereto.

Rejection 35 USC § 102:

Art Unit: 2193

(A) Applicants have submitted that Tahara does not teach searching as recited; that is, Tahara's shifting from one page to another page as suggested by the Office Action fails to teach or suggest 'searching an instance of the source file ... variable within that instance of the source file' as recited in claim 1 (Appl. Rmrks, pg. 8, top 2 para). There is no specific in the claim in terms of how the replacing of a variable by its definition is done. The action of selecting an iconic representation of a WWW file stored inside a directory (see Fig. 24) by Tahara, teaching that a file is being searched in this tree in order to have it displayed, would be equivalent to searching for an instance of a file. By clicking on a give WWW file in the authoring window (see Fig. 12, 13, 25, 26, wherein each button represent a WWW file being stored – see col. 17), Tahara discloses that another WWW page is created based on user selection; and since each instance of the page being displayed underlies its markup document, the event of fetching a corresponding definition inside each tagged data as explained in the Office Action is considered equivalent to replacing a source file being selected via the GUI wherein a variable inside such file is being replaced by its definition for the user to see its defined content (and this is set forth in the Office Action, notably via Tahara, pg. 17-18). Hence, in light of broad interpretation of what is recited as replacing a variable by its definition inside a source file, the above limitation has been addressed, i.e. based on the language as claimed. The claim lacks clear implementation details to some terminology deemed crucial to the invention, nor does it not impart appropriate relationship between elements recited; nor does it give a clear context of cause-to-effect utility based upon the actions taken. That is: where does this (variable) definition come from and how is it implemented as? Where does this one instance of source file come from and what does it amount to? Where does the replacement take place and where does the replaced instance of file

Art Unit: 2193

end up in the context of programmatic content in response to the search? How the search as recited relate to the replacement of definition when no clear and substantial use of the replacement result is depicted as a direct consequence from a source file thus affected? How does one instance having its variable resolved affect the search or the creating of image? What makes the final creation a useful image when there's no specific details describing what the programmatic content is all about, particularly when only one instance of file is having variable(s) replaced; absent any use of the fact that some definition is now in place but in one single copy of source file? Applicant's arguments fail to comply with 37 CFR 1.111(b) because they amount to a general allegation that the claims define a patentable invention without specifically pointing out how the language of the claims patentably distinguishes them from the references.

(B) Applicants have submitted that Tahara by providing clicking of button such that the HTML remain in one place as no new data is being created, does not teach or suggest creating of programmatic content in light of the searching of a file (Appl. Rmrks, pg. 8, bottom, pg. 9, top). The current rejection has it explained that Tahara's browser pages with internal parsing of underlying tagged data leading to processing of tags in a HTML file reads on searching for a variable being defined; and based on the replacement of such definition with content being rendered for a user's viewing (refer to Rejection and section A); and that establish replacement of a variable by its definition inside the same HTML page. In other words, a file is being searched for and displayed in the authoring interface (Fig. 12, 13, 25, 26), by means of iconic button representing more WWW files wherein a tagged variable is being searched and the definition of which is resolved so as to render the same source file (or displayed page) with

Art Unit: 2193

appropriate data for the user to view in order to whether or not store into a final content maintained in the CD medium after such customized action, e.g. one of the plurality of programmatic parts of the delivered medium as set forth in the image of Fig. 23. What is recited as programmatic content has been perceived as something being result of a *searching*, meaning that the inter-relationship implicating the variable replacement and the programmatic content is being insufficient or non-existent. The Applicants argument is not commensurate with the extent to which the language of the claim has been interpreted to preclude the teachings as recited in the Office Action from meeting the above limitation. As set forth above, the language of the claim is too broad in terms of this file variable definition and replacement thereof in order for the claim to sufficiently establish a clear picture of what this replacement amount to in light of a creating based on content generated from a search; against which lack of specificity section A has explained at length. The 'searching ... generating as a response ... programmatic content' limitation is thus disclosed.

(C) Applicants have submitted that the Office Action attempted to equate Tahara's HREF replacing or page shifting with generating of programmatic content (Appl. Rmrks, pg. 9, 2nd para). In response, the claim does not make it explicitly and abundantly clear as to how the programmatic content is correlated to the replacement step, or amounts to in terms of implementation (i.e. is it a file, a screen display, executable, HTML page) in order for the above page shifting and page displaying inside Tahara's user-driven framework to read away from what Applicant believes to be his inventive programmatic content. The Office Action has cited Tahara's method by which user interactive selection leading to underlying HTML page displaying and data fetching, retrieved data (which are also displayed for user's acceptance) can

Art Unit: 2193

be rebuilt from user's actions given many flavors of how to enhance/display the stored content (e.g. see Fig. 5-13; *Commodity* - Fig. 16) to make it into a final DVD image content as explained in Tahara's page 19, some of which retrieval require additional data coming from external/remote server providing for the hyperlinks inside the displayed pages. Applicant's arguments fail to comply with 37 CFR 1.111(b) because they amount to a general allegation that the claims define a patentable invention without specifically pointing out how the language of the claims patentably distinguishes them from the references.

(D) Applicants have submitted that Tahara does not anticipate replacing of a variable (Appl. Rmrks, pg. 9, 3rd para). As for the link not being equivalent to a replacement as claimed, this issue has been addressed above in section A.

(E) The arguments on claims 2-7 will be referred to the above sections in light of the rationale as set forth therein and further based on broad interpretation from one skill in the art in light of explicit and implicit teachings at the time the invention was made and of known concepts in the useful arts.

For the above reasons, the claims stand rejected as set forth in the Office Action.

Conclusion

7. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period

will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tuan A Vu whose telephone number is (272) 272-3735. The examiner can normally be reached on 8AM-4:30PM/Mon-Fri.

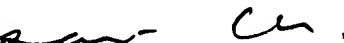
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kakali Chaki can be reached on (571)272-3719.

The fax phone number for the organization where this application or proceeding is assigned is (571) 273-3735 (for non-official correspondence – please consult Examiner before using) or 571-273-8300 (for official correspondence) or redirected to customer service at 571-272-3609.

Any inquiry of a general nature or relating to the status of this application should be directed to the TC 2100 Group receptionist: 571-272-2100.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

VAT


KAKALI CHAKI
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100